

REMARKS/ARGUMENTS

The subject matter of the present application relates to a novel plant protein, referred to as NAC1, to the genes that encode the NAC1 protein and to plants and plant cells transformed so that they overexpress that protein. NAC1 protein belongs to a family of proteins that are involved in patterning of the shoot and floral meristem.

The Examiner found that claims 1 and 20 of the application are allowable as nucleic acid sequence SEQ ID NO:1 and amino acid SEQ ID NO:2 are deemed free of the prior art. In this response claims 5-7, and 11-18 are amended. Claims 4, 19 and 21-23 are canceled. Claim 2, which was previously withdrawn is resubmitted with amendment. Applicant respectfully asserts that pending claims 2, 5-7, 11-18 are also now in condition for allowance.

Claims 4-7, 11-19 and 21-23 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular the Examiner objected to the use of the terms "transgenic for NAC1" used in claim 11 and others. He further objected to the preamble of claim 11 stating "A method for growing a plant" and suggested several modifications to the wording of the claims to better describe Applicant's invention.

In this response Claims 4, 19 and 21-23 are canceled. The modifications suggested by the Examiner have been incorporated into the claims submitted with this response. Applicants respectfully assert that the amendments clarify what the


Applicant regards as his invention and respectfully asks that the rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

Claims 4-7 and 11-19 were rejected under 35 U.S.C. § 112, first paragraph. The Examiner asserted that these Claims were not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor had possession of the claimed invention. In particular, the Examiner asserted that the applicant's recited description of the structural properties of the NAC1 protein did not provide specific written description of nucleic acid sequences encoding an amino acid sequence exhibiting 70% amino acid sequence identity of SEQ ID NO:2.

To expedite prosecution Applicant has amended the claims in this response to nucleic acids sequences, proteins, plants, plant cells and methods of growing larger plants using nucleic acid sequences encoding the protein of SEQ ID NO:2 without prejudice. Applicant expressly reserves the right to resubmit his claims directed to such nucleic acids sequences, proteins, plants, plant cells and methods using nucleic acid sequences encoding a protein having a function identical to that of the protein of SEQ ID NO:2, where that protein has an amino acid sequence at least 70% identical to the SEQ ID NO:2 in a continuation or divisional application.

Entry of the foregoing amendments and the prompt and favorable reconsideration are respectfully requested. Applicant submits that the claims as presently amended are in condition for allowance, and respectfully asks that a notice to that effect be issued.

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